

OFFICE OF THE DIRECTOR

**DEPARTMENT OF MOTOR VEHICLES**

P.O. BOX 932328

SACRAMENTO, CA 94232-3280

**TITLE 13. DEPARTMENT OF MOTOR VEHICLES****NOTICE IS HEREBY GIVEN**

The Department of Motor Vehicles (the department) proposes to amend Section 345.06 and adopt Section 345.07 in Article 4.7, Chapter 1, Division 1, Title 13 of the California Code of Regulations, regarding traffic violator school instructor examinations.

**PUBLIC HEARING**

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action(s) by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

**DEADLINE FOR WRITTEN COMMENTS**

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M. on *June 20, 2005*, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

**AUTHORITY AND REFERENCE**

The department proposes to amend Section 345.06 and adopt Section 345.07 under the authority granted by Vehicle Code Sections 1651 and 1665 in order to implement, interpret or make specific Vehicle Code Sections 626.4, 1651, 11200, 11202(a)(2), 11206, 11206.5, 11207, 11208, 11210, 11211, and 11219.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Existing law states no person shall act as a traffic violator school instructor unless licensed by the department. The criteria for eligibility to become an instructor includes being 18 years of age or older, a high school education, a valid California driver license, passing an instructor examination, and other requirements. The proposed regulations will govern the traffic violator school instructor examination, which is a prerequisite for licensure, and authorize administration of the examination by traffic violator schools. Vehicle Code Sections 1651, 11202(a)(2) and 11219 authorize the department to regulate traffic violator school examinations.

The department proposes to amend Section 345.06 and adopt Section 345.07 in order to establish criteria for the administration of the traffic violator school instructor examination and the number of questions on the examination.

**FISCAL IMPACT STATEMENT**

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.

- Cost Impact on Representative Private Persons or Businesses: None.
- Effect on Housing Costs: None.

## **DETERMINATIONS**

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The regulatory action proposed by the department will change the number of exam questions in the traffic violator school instructor examination and establish criteria for traffic violator schools to administer the examination to applicants.
- The adoption of this regulation will not create or eliminate jobs or businesses in the state of California, nor will it result in the elimination of existing businesses, or reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will affect small businesses. The regulatory action will establish the criteria for administration of the traffic violator school instructor examination offered by private entities, some of which are small businesses.

## **PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS**

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

## **ALTERNATIVES CONSIDERED**

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

## **CONTACT PERSON**

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Maria Grijalva, Department of Motor Vehicles, Regulations Branch, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-9001, or [mgrijalva@dmv.ca.gov](mailto:mgrijalva@dmv.ca.gov). In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or [dbaity@dmv.ca.gov](mailto:dbaity@dmv.ca.gov). The fax number for the Regulations Branch is (916) 657-1204.

## **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the initial statement of reasons and final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons, Express Terms) may be accessed at [www.dmv.ca.gov](http://www.dmv.ca.gov), Other Services, Legal Affairs Division, Regulatory Actions web page.

## **AVAILABILITY OF MODIFIED TEXT**

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.